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10 Attorneys for Defendant  
 11 United HealthCare Insurance Company

12  
 13 UNITED STATES DISTRICT COURT  
 14 NORTHERN DISTRICT OF CALIFORNIA

15 FOREST AMBULATORY SURGICAL  
 16 ASSOCIATES, L.P., doing business as  
 17 FOREST SURGERY CENTER,  
 18 Plaintiff,

19 v.  
 20 UNITED HEALTHCARE INSURANCE  
 21 COMPANY, et al.,

22 Defendant.

23 Case No. 10-CV-04911 EJD

24 STIPULATION AND  
 25 [PROPOSED] ORDER TO  
 26 EXTEND TIME TO ANSWER  
 27 OR OTHERWISE RESPOND TO  
 28 SECOND AMENDED  
 COMPLAINT

1 (Local Rule 6-1(b))

2 (Santa Clara Superior  
 3 Court Number: 110CV183843)

1 Plaintiff Forest Ambulatory Surgical Associates, L.P. ("Plaintiff") and Defendant  
2 United HealthCare Insurance Company ("United") hereby submit, through their undersigned  
3 counsel of record, the following Stipulation and Proposed Order to extend the time for United  
4 to move, answer or otherwise respond to the Second Amended Complaint by 60 days to  
5 December 16, 2011.

6 **WHEREAS** Plaintiff filed a Second Amended Complaint in this action on September  
7 30, 2011;

8 **WHEREAS**, the deadline for United to move, answer or otherwise respond to  
9 Plaintiff's Second Amended Complaint currently is October 17, 2011;

10 **WHEREAS** Plaintiff's Second Amended Complaint contains over 100 pages of new  
11 allegations, includes four new causes of action, and names 127 new defendants;

12 **WHEREAS** the newly-added defendants have not yet been served with the Second  
13 Amended Complaint;

14 **WHEREAS** United needs additional time to, among other things, investigate the new  
15 matters asserted in the Second Amended Complaint and prepare a responsive motion or  
16 answer;

17 **WHEREAS** at this juncture, United contemplates that it will file a motion to dismiss  
18 under FRCP 12(b)(6);

19 **WHEREAS** there have been no prior extensions to respond to the Second Amended  
20 Complaint;

21 **WHEREAS** no party will be prejudiced by extending the time for United to move,  
22 answer or otherwise respond to the Second Amended Complaint;

23 **WHEREAS** Plaintiff and United agree it is in the best interest of both sides to extend  
24 the time for United to move, answer or otherwise respond to the Second Amended Complaint.

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**NOW, THEREFORE**, Plaintiff and United stipulate pursuant to Local Rule 6-1(b) of the Local Rules of the United States District Court for the Northern District of California to extend the time within which United may answer or otherwise respond to the Second Amended Complaint by sixty (60) days until December 16, 2011. This extension will not alter the date of any event or deadline already affixed by Court order.

IT IS SO STIPULATED.

Dated: October 13, 2011

## HOOPER LUNDY & BOOKMAN

By: John McLoughlin

Attorneys for Plaintiff,  
Forest Ambulatory Surgical Associates,  
L.P.

Dated: October 13, 2011

## WALRAVEN & LEHMAN LLP

By: Bryan S. Westerfeld

Attnorneys for Defendant  
United Healthcare Insurance Company

**ABSENT EXTRAORDINARY CIRCUMSTANCES, NO FURTHER EXTENSIONS WILL BE GRANTED.**

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: October 14, 2011

Paul J. Dach